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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,711	02/13/2002	Dean R. Duffy	57450US002	6376

32692 7590 05/29/2003

3M INNOVATIVE PROPERTIES COMPANY  
PO BOX 33427  
ST. PAUL, MN 55133-3427

EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,711

Applicant(s)

BUFFY

Examiner

PHAM

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

Art Unit: 1724

***Specification***

1. The abstract of the disclosure is objected to because legal phraseology "comprising" and "comprises" is used in the abstract. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzel (6,117,202; 10, 12, 14, 16, 22, 24 & 30 in Fig. 1A; 24", 32" & 40 in Fig. 2; col. 1, lines 35-43; col. 3, lines 1-25; col. 4, lines 40-48), in view of any one of Schottmer (6,267,796; Abstract; 1, 2, 8, 9 & 10 in Fig. 1; 12, 13 & 23 in Fig. 2; col. 1, lines 34-67; col. 2, lines 30-49; .col. 3, lines 1-4 and lines 17-56 and line 61 through col. 4, line 10) and Michaelis et al (6,162,272; 7 & 10 in Fig. 1; col. 1, line 51 through col. 2, line 11; col. 2, lines 55-67).

Wetzel discloses a filter panel designed to be inserted into and retained on a suspension ceiling comprising a filter media retained in a filter frame, and the filter frame having an inner face and an outer face and the filter media is located adjacent the filter frame inner face. Claims 1-46

Art Unit: 1724

differ from the disclosure of Wetzel in that the frame having a flexible perimeter flange projecting outwardly from the filter frame and the flexible perimeter flange can bend inwardly so as to be substantially flush with the frame and can extend outward. Either Schottmer or Michaelis et al disclose the frame having a flexible perimeter flange projecting outwardly from the filter frame and the flexible perimeter flange can bend inwardly so as to be substantially flush with the frame and can extend outward. The flexible flange is continuously provided along the entire perimeter of the frame and extends outward in a direction perpendicular to the filter frame wherein the flexible flange is a thermoplastic material and integrally molded with the filter frame or the filter frame and flexible flange are formed of the same thermoplastic polymer. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter frame with a flexible flange as taught by either Schottmer or Michaelis et al in the filter apparatus of Wetzel since the elastically deformable flange would prevent air leakage as well as provide easy access to the filter element.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fath et al (6,454,826 B2) disclose a filter cartridge.
- Duffy (6,406,509 B1) discloses an extruded profile filter framing.
- Pomplun et al (5,902,361) disclose a filter device.

Art Unit: 1724

- Fath et al (6,045,598) disclose a filter insert.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached on (703) 308-3792. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (after-finals).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Minh-Chau Pham**

**Patent Examiner**

May 23, 2003